

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS,  
AUSTIN DIVISION

**EDWARD RANDOLPH**

**TURNBULL IV,**

*Plaintiff,*

v.

**COMMISSION FOR LAWYER**

**DISCIPLINE; THE OFFICE OF THE**

**CHIEF DISCIPLINARY COUNSEL;**

**SEANA WILLING, in her Official**

**Capacity as Chief Disciplinary Counsel of**

**the State Bar of Texas, and in her**

**individual capacity; AMANDA M.**

**KATES, in her Official Capacity as**

**Assistant Disciplinary Counsel for the**

**Office of the Chief Disciplinary Counsel,**

**and in her individual capacity; JOHN S.**

**BRANNON, in his official capacity as**

**Assistant Disciplinary Counsel for the**

**Office of the Chief Disciplinary Counsel,**

**and in his individual capacity; TIMOTHY**

**J. BALDWIN, in his official capacity as**

**Administrative Attorney for the Office of**

**the Chief Disciplinary Counsel, and in his**

**individual capacity; DANIEL**

**MARTINEZ, in his official capacity as**

**Assistant Disciplinary Counsel for the**

**Office of the Chief Disciplinary Counsel,**

**and in his individual capacity; DANIELA**

**GROSZ, in her official capacity as**

**Assistant Disciplinary Counsel for the**

**Office of the Chief Disciplinary Counsel,**

**and in her individual capacity; JENNY**

**HODGKINS, in her official capacity as the**

**Executive Director & General Counsel**

**with the Board of Disciplinary Appeals,**

**and in her individual capacity; Laura**

**Gibson, Cindy V. Tisdale, Sylvia Borunda**

**Firth, Benny Agosto, Jr., David N.**

**Calvillo, Elizabeth Sandoval Cantu, Luis**

**Cavazos, Craig Cherry, Jason**

**Charbonnet, Kelly-Ann F. Clarke, Jeff**

**Cochran, David C. Courreges, Thomas A.**

**CASE NO. 1:23-cv-00314**

**JURY TRIAL DEMANDED**

Crosley, Steve Fischer, Lucy Forbes, §  
 Gregory M. Fuller, August W. Harris III, §  
 Matthew J. Hill, Forrest L. Huddleston, §  
 Lori M. Kern, Modinat Kotun, Bill §  
 Kroger, Dwight McDonald, Carra Miller, §  
 Lawrence Morales II, Lydia Elizondo §  
 Mount, Kimberly M. Naylor, Jeanine §  
 Novosad Rispoli, Michael J. Ritter, Audie §  
 Sciumbato, Mary L. Scott, John Sloan, D. §  
 Todd Smith, G. David Smith, Paul K. §  
 Stafford, Alex J. Stelly Jr., Nitin Sud, §  
 Radha Thiagarajan, Robert L. Tobey, §  
 Aaron Z. Tobin, Andrew Tolchin, G. §  
 Michael Vasquez, Kimberly Pack Wilson, §  
 and Kennon L. Wooten in their official §  
 capacities as Members of the Board of §  
 Directors of the State Bar of Texas, §  
*Defendants.* §

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**PLAINTIFF’S NOTICE OF OPPOSITION TO RE-FILED MOTION TO DISMISS**

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TO THE HONORABLE JUDGE OF WESTERN DISTRICT OF TEXAS:

COMES NOW, Plaintiff, Edward Randolph Turnbull IV (“Plaintiff”), and files this Notice of Opposition to Re-Filed Motion to Dismiss filed by Defendant John Brannon in this case.

On June 5, 2023, Defendant John Brannon filed his First Amended Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (Doc. 29).

On June 19, 2023, Plaintiff timely filed his Response to Defendant Brannon’s First Amended Motion to Dismiss. (Doc. 37).

On June 12, 2023, Defendant John Brannon **re-filed** his previously filed **First Amended Motion to Dismiss**. (Doc. 32). The document is not styled a **Second Amended Motion to Dismiss** and a careful comparison of the two documents does not reveal any apparent difference between the First Amended Motion filed as Doc. 29 and the First Amended Motion filed as Doc. 32.

Nevertheless, out of an abundance of caution, Plaintiff wishes to advise the Court of his opposition to the First Amended Motion filed on June 12 and asks this Court to consider his Response to Defendant Brannon's First Amended Motion to Dismiss (Doc. 37) as responsive to the First Amended Motion—regardless of whether the Court considers the live motion as the document filed on June 5 (Doc. 29) or the document re-filed on June 12 (Doc. 32).

Respectfully submitted,

**WEST, WEBB, ALLBRITTON & GENTRY, P.C.**  
1515 Emerald Plaza  
College Station, Texas 77845  
Telephone: (979) 694-7000  
Facsimile: (979) 694-8000

By: /s/ Gaines West  
GAINES WEST  
State Bar No. 21197500  
Email ~ [gaines.west@westwebblaw.com](mailto:gaines.west@westwebblaw.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of this document upon each attorney of record through the Court's ECF system on this the 26th day of June 2023.

/s/ Gaines West  
GAINES WEST